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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,085	07/07/2003	Nicholas C. Skrepetos	50085.5USU1	7981

23552 7590 02/27/2007	EXAMINER
MERCHANT & GOULD PC	WILLIAMS, JEFFERY L
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	ART UNIT	PAPER NUMBER
	2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

Office Action Summary	Application No. 10/615,085	Applicant(s) SKREPETOS, NICHOLAS C.
	Examiner Jeffery Williams	Art Unit 2137

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 July 2003_.
2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) _1-20_ is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on _07 July 2003_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some *   c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)
1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1   DETAILED ACTION

2

3   *Specification*

4

5   The disclosure is objected to because of the following informalities: Page 3, line

6   23 incorrectly describes "monitoring application 208" instead of "monitoring application

7   108".

8   Appropriate correction is required.

9

10

11   *Claim Objections*

12

13   Claim 13 objected to under 37 CFR 1.75(c), as being of improper dependent

14   form for failing to further limit the subject matter of a previous claim. Applicant is

15   required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

16   dependent form, or rewrite the claim(s) in independent form. Claim 13 contains the

17   same limitation as claim 12.

18

19

20   *Claim Rejections - 35 USC § 112*

21

22   The following is a quotation of the second paragraph of 35 U.S.C. 112:

Claims 1 – 20 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject

matter which applicant regards as the invention.

The terms "substantially unrecoverable" and "substantially undeterminable" in

claims 1, 14, and 18 are relative terms which render the claim indefinite. The terms

"substantially unrecoverable" and "substantially undeterminable" are not defined by the

claim, the specification does not provide a standard for ascertaining the requisite

degree, and one of ordinary skill in the art would not be reasonably apprised of the

scope of the invention. These terms inadequately describe how and by whom/what

such file data and user activities become unable to be recovered or determined.

The term "securely" in claims 1, 14, and 18 is a relative term that renders the

claims indefinite. The term "securely" is not defined by the claim, the specification does

not provide a standard for ascertaining the requisite degree, and one of ordinary skill in

the art would not be reasonably apprised of the scope of the invention. The term

"securely" inadequately describes a level of security since what is secure is relative to

viewpoint.

The term "selectively securely" in claims 1, 14, and 18 is nonsensical which

renders the claims indefinite. The term "selectively securely" is not defined by the

1   claim, the specification does not provide a standard for ascertaining the requisite

2   degree, and one of ordinary skill in the art would not be reasonably apprised of the

3   scope of the invention. It is unclear as to whether the claim intends for "selectively" to

4   qualify a state of "securely", for "selectively" to qualify a state of erasing, or for the act of

5   erasing to be qualified as both "selectively" and "securely".

6

7   All other claims are rejected by virtue of their dependency.

8

9

10   *Claim Rejections - 35 USC § 103*

11

12   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

13   obviousness rejections set forth in this Office action:

14   (a) A patent may not be obtained though the invention is not identically disclosed or described as set
15   forth in section 102 of this title, if the differences between the subject matter sought to be patented and
16   the prior art are such that the subject matter as a whole would have been obvious at the time the
17   invention was made to a person having ordinary skill in the art to which said subject matter pertains.
18   Patentability shall not be negatived by the manner in which the invention was made.
19
20   **Claims 1 – 3 and 8 – 20 are rejected under 35 U.S.C. 103(a) as being**

21   **unpatentable over X-Block.com, "Xblock" in view of Gaul, Jr. (Gaul),**

22   **"Internet/Network Security Method and System for Checking Security of a Client**

23   **from a Remote Facility", U.S. Patent Publication 2001/0034847.**

24

25   Regarding claim 1, Xblock discloses a security application designed for:

1   *erasing a file associated with the remote computer, scanning the remote*

2   *computer to determine whether a monitoring application is present on the remote*

3   *computer;* and *clearing activities of a user of the remote computer* (Xblock, page 1,

4   bulleted features). Xblock discloses that the user is provided an interface to the security

5   application functionality so as to select the security functions to be performed (Xblock,

6   page 7, Overview). Xblock discloses that the security application is embodied as an

7   encapsulated or self-contained executable and requires no installation upon the user

8   machine (Xblock, page 3, pars. 6-8). While the examiner considers the functional

9   language - *wherein downloading software onto the computer is avoided* - as adding no

10   structure to the claim and bearing no patentable weight, the examiner does point out to

11   the applicant that the method of Xblock does not require the downloading of software to

12   the computer during the step of *selectively clearing activities of a user.*

13   Xblock discloses that the security application is executed locally to the user's

14   computer, instead of remotely upon a server. Thus, Xblock does not disclose that

15   security is provided by an application server to a client computer, over a network, via a

16   browser interface. However, the examiner points out that client/server computing was

17   well known in the art. The methods and benefits for provisioning server applications to

18   clients via a network browser interface, even respecting applications for security – such

19   as computer scanning and file deletion, has been well established in the art (as is

20   evidenced by Trend Micro, "HouseCall", 1997, pages 1 and 2). .

21   Gaul, discloses a model for providing a remote client or network of clients

22   numerous and varied security services, such as scanning a remote system for

1   monitoring applications, over a network browser interface (Gaul, pars. 13, 69). Gaul

2   discloses the benefits of this security provisioning model. Traditional models, wherein

3   security applications are installed locally onto a host/client, are usually expensive, are

4   quickly outdated, suffer from the need for operator training, and require installation,

5   maintenance, and constant updates (Gaul, pars. 4, 5, 11-13). However, a web-based,

6   application server model is advantageous since it can provide security services to

7   clients at less cost and hassle (Gaul, par. 13).

8   It would have been obvious to one of ordinary skill in the art to employ the web-

9   based model for provisioning security services to clients via a browser of Gaul with the

10   specific security services provided by the local application of Xblock. This would have

11   been obvious, because one of ordinary skill in the art would have been motivated by the

12   benefits of web-based security applications, as well as by the well-established fact that

13   provisioning security applications, such as remote computer scanning and file deletion

14   via a network browser interface, is both possible and advantageously simple for a user.

15

16   Regarding claim 2, the combination of Xblock and Gaul discloses:

17   *wherein the steps of selectively securely erasing the file, selectively scanning the*

18   *remote computer, and selectively clearing activities of the user are selected to occur*

19   *according to a selection made by the user* (Xblock, page 7, Overview; Gaul, pars. 13,

20   33).

21

22   Regarding claim 3, the combination of Xblock and Gaul discloses:

1   *wherein the steps of selectively securely erasing the file, selectively scanning the*

2   *remote computer, and selectively clearing activities of the user are selected to occur by*

3   *a security application in accordance with a user profile* (Xblock, pages 7-10; Gaul, par.

4   33). The combination of Xblock and Gaul discloses that a user of a windows

5   workstation is provided an authenticated session for the purpose of erasing, scanning,

6   or clearing his/her personal data, such as his/her own browsing history files. Thus, the

7   services are in accordance with a user profile.

8

9   Regarding claim 8, the combination of Xblock and Gaul discloses:

10   *determining whether an application associated with the remote computer is a*

11   *suspect monitoring application* (Xblock, page 7, Overview).

12

13   Regarding claim 9, the combination of Xblock and Gaul discloses:

14   *comparing an application associated with the remote computer to a database*

15   *containing descriptions of known monitoring applications* (Xblock, page 4, "What is...";

16   page 10).

17

18   Regarding claim 10, the combination of Xblock and Gaul discloses:

19   *alerting the user to the presence of a monitoring application when a monitoring*

20   *application is found on the remote computer* (Xblock, page 10, par. 1).

21

22   Regarding claim 11, the combination of Xblock and Gaul discloses:

1   *transmitting information about a suspect monitoring application to a server across*

2   *a network when a determination is made that the suspect monitoring application is a*

3   *monitoring application that is previously unidentified* (Gaul, par. 18; Xblock, page 10,

4   par. 1). The combination of Xblock and Gaul discloses the provision of security

5   services over a network, thus the transmission of information over a network.

6

7   Regarding claims 12 and 13, the combination of Xblock and Gaul discloses:

8   *wherein selectively scanning the remote computer further comprises removing*

9   *monitoring applications discovered to be present on the remote computer* (Xblock, page

10   10, par. 1).

11

12

13   Regarding claims 14 – 20, they are the system and computer instruction claims

14   corresponding to the method claims of 1 – 13, and they are rejected, at least, for the

15   same reasons. Furthermore, the combination of Xblock and Gaul discloses *a web site*

16   *by which a user of the remote computer accesses a security application associated with*

17   *a server* (Gaul, par. 13).

18

19   **Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the**

20   **combination of X-Block.com and Gaul in view of McBrearty et al., (McBrearty),**

21   **U.S. Patent Publication 2002/0133590.**

22

1   Regarding claim 4, the combination of Xblock and Gaul discloses a system for

2   that protects the confidentiality of information via the erasing of the files. The

3   combination of Xblock and Gaul, however, does not disclose that the protection of the

4   confidentiality of information comprises renaming a file to a generic file name.

5   McBrearty discloses that to protect the confidentiality of information, files can be

6   renamed, thus providing a disguise for the information (McBrearty, cols. 2, 9-11).

7   It would have been obvious to one of ordinary skill in the art to employ the

8   method of information protection by renaming files, disclosed by McBrearty, within the

9   combination of Xblock and Gaul that protects the confidentiality of information. This

10   would have been obvious because one of ordinary skill in the art would have logically

11   been motivated to allow a user to protect the confidentiality of information without

12   having to relinquish the ability to retain useful information, such as session histories or

13   logs.

14

15   **Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable**

16   **over the combination of X-Block.com and Gaul in view of Langford, U.S. Patent**

17   **6,507,911.**

18

19   Regarding claim 5, the combination of Xblock and Gaul discloses a system for

20   that protects the confidentiality of information via the erasing of files. The combination

21   of Xblock and Gaul, however, does not disclose that the erasing of files comprises

22   *overwriting data associated with the file with a sequence of data.*

1   Langford discloses a method of protecting the confidentiality of information by

2   overwriting erased files with a sequence of data. Langford discloses that this is

3   beneficial because it provides extra security by preventing sensitive information from

4   being easily recovered.

5   It would have been obvious to one of ordinary skill in the art to combine the

6   method of Langford for securely easing information by overwriting with the combination   .

7   of Xblock and Gaul. This would have been obvious because one of ordinary skill in the

8   art would have been motivated to ensure that sensitive information could not be

9   unintentionally compromised.

10

11   Regarding claim 6, the combination of Xblock, Gaul, and Langford disclose:

12   *determining whether additional passes of overwriting the data associated with the*

13 *file are necessary after the data associated with the file is overwritten with the sequence*

14 *of data* (Langford, col. 2, lines 45-50).

15

16   **Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the**

17 **combination of X-Block.com and Gaul in view of Fernandes, U.S. Patent**

18 **6,014,135.**

19

20   Regarding claim 7, the combination of Xblock and Gaul discloses an interface to

21 allow a user to delete information, but does not disclose that the method of erasing a file

1   comprises *providing the user functionality for dragging and dropping a file into a secure*

2   *recycle bin.*

3   However, the method of providing a user with a graphical user interface (GUI) to

4   accomplish computer tasks such as the management of data was well known in the art.

5   Fernandes teaches a GUI comprising icons (example, a trash can) and operational

6   means (example, drag-and-drop functionality) enables effective computer operation

7   (Fernandes, col. 1, lines 19-63; col. 2, lines 12-27).

8   It would have been obvious to one of ordinary skill in the art to utilize the teaching

9   of Fernandes (a GUI comprising drag and drop functionality and trash can icons) within

10   the interface of the combination of Xblock and Gaul, utilized to erase information. This

11   would have been obvious because one of ordinary skill in the art would have been

12   motivated to provide an intuitive method to erase information.

13

14

15   *Conclusion*

16

17   Claims 1 – 20 are pending.

18

19   The prior art made of record and not relied upon is considered pertinent to

20   applicant's disclosure:

21   ***See Notice of References Cited***

22

1   A shortened statutory period for reply is set to expire **3** months (not less than 90

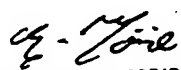2 days) from the mailing date of this communication.

3   Any inquiry concerning this communication or earlier communications from the

4 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-

5 7965. The examiner can normally be reached on 8:30-5:00.

6   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

7 supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone

8 number for the organization where this application or proceeding is assigned is (703)

9 872-9306.

10   Information regarding the status of an application may be obtained from the

11 Patent Application Information Retrieval (PAIR) system. Status information for

12 published applications may be obtained from either Private PAIR or Public PAIR.

13 Status information for unpublished applications is available through Private PAIR only.

14 For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

15 you have questions on access to the Private PAIR system, contact the Electronic

16 Business Center (EBC) at 866-217-9197 (toll-free).

17

18
19 Jeffery Williams
20 Assistant Examiner
21 Art Unit 2137

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER